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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,292	11/24/2003	Robert A. Cordery	F-714	4123

7590 02/05/2008
Pitney Bowes Inc.
Intellectual Property & Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484

EXAMINER

ZHENG, JACKY X

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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02/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/720,292

Applicant(s)

CORDERY ET AL.

Examiner

Jacky X. Zheng

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


TWYLER LAMB 14 ASKINS
SUPERVISORY PATENT EXAMINER

Continuation of 11. NOTE:

various issues relating to the claim rejection, such as the rejections under 35 USC 112, first paragraph with respect to the independent claims 1 and 10, prior art rejection under 35 USC 102, prior art rejection under 35 USC 103, and as well as the responses addressed in Final Office Action mailed on November 2, 2007. Examiner further submits, the remarks presented on January 18, 2008, have been fully considered, however respectfully found to be not persuasive, and of such as a whole, have not yet placing the application in condition for allowance, and not deemed to place the application in better form of appeal by materially reducing or simplifying the issues for appeal (for at least the issues related to 35 USC 112, first paragraph).

(See the details in the section of "Responses to Arguments" below, as response to "Amendment After Final" filed on January 18, 2008).

1. **Claims 3, 13 and 20-25** have been previously cancelled.
2. **Claims 1-2, 4-12 and 14-19** are currently pending.

Response to Arguments

3. Applicant's arguments filed on January 18, 2008 have been fully considered but they are not persuasive.
4. In re Applicant's remarks on Page 8, specifically 3rd Paragraph, regarding the rejection made under 35 U.S.C. §112, first paragraph with regard to Claims 1 and 10, Applicant asserts that *"there is support in paragraph [0057] for the expression 'average brightness levels for said data blocks' in step (e) of claims 1 and 10 ... the average brightness level is the same as the brightness level because it has the same numeric value ... The term average is included in claim 1 and 10 to clarify that the brightness level for each data block is an average of pixel gray scale values".* Applicant's argument(s) are fully considered, however found to be not persuasive for at least the following reasons.

- a. First, Examiner agrees that as disclosed in Paragraph [0057] of instant specification, "the brightness of the data blocks" may be done "by calculated an average gray scale value of the pixels in the data block". However, there is still no disclosure of specifically "average brightness levels for said data blocks", which is clearly not equivalent to what is disclosed and indicated by Applicant— "an average gray scale value for the pixels in the data block".

b. Second, as continuation of the above, “average brightness levels for said data blocks” would be interpreted in its plain meaning by one of ordinary skill in the art, to be the calculated average of brightness among the data block, whereas, “average gray scale value for the pixels in the data block”, would be interpreted in its plain meaning by one of ordinary skill in the art, to be the calculated averaged gray scale value among the pixels in a single data block.

As the limitations recited in the claim and the disclosure in the specification are clearly referring to different subject matter, and for at least the reasons set forth above, Examiner respectfully submits, for at least the reasons set forth above, the rejection made under 35 U.S.C. §112, first paragraph regard to claims 1 and 10 of record is remained proper and therefore maintained.

5. In re Applicant's remarks from Page 8, 4th paragraph to Page 14, 4th Paragraph, regarding the rejection made under 35 U.S.C. §102(e) with regard to Claims 1-2, 4-5, 9-13, 14-15 and 19, Applicant asserts that Sharma *"does not disclose or anticipate step (e) of claim 1 ... determining a correlation between the recovered watermark data for at least some of the data blocks and average brightness levels for said data block"* and further asserts, *"Sharma does not disclose or anticipate step (e) of claim 10, ... (i) a correlation between the recovered watermark data for at least some of the data blocks and average brightness levels for said data blocks, and (ii) a correlation between the recovered watermark data and the wave vectors"*. Applicant's argument(s) are fully considered, however found to be not persuasive for at least the identical reasons set forth in office action mailed on November 21, 2007, specifically in Paragraph 15, produced as below,

“ ...

a. First, with regard to claim 1, the limitation of *“determining a correlation between the recovered watermark data for at least some of the data blocks and average brightness levels for said data blocks”*, as also indicated previously in the office action mailed on June 27, 2007, in Sharma et al., i.e. Figure 6, Block "610" illustrates a function block of "Correlation", and Paragraph [0093] discloses the limitation of "performs a correlation between the transformed image block"; further, Paragraphs [0188] – [0206], specifically in Paragraph [0188] discloses the usages of orientation vectors and extraction of luminance sample data (or brightness) in correlation process.

b. Second, with regard to claim 10, the limitation of "*determining at least one (i) a correlation between the recovered watermark data for at least some of the data blocks and average brightness levels for said data blocks, and (ii) a correlation between the recovered watermark data and the recovered watermark data and the wave vectors*", as also indicated previously in the office action mailed on June 27, 2007, in addition to the discussion of limitation (i) in claim 1 above, Sharma et al. i.e. Paragraph [0056] discloses "watermarked signal vector"; Paragraph [0188]-[0190] discloses the limitations and usages of "6D orientation vectors" and "4d orientation vectors".

..."

Therefore, for at least the reasons set forth above and the ones set forth in office action mailed on June 27, 2007, the rejection made under 35 U.S.C. §102(e) over Sharma et al. is still maintained.

6. In re Applicant's remarks on Page 14, from 4th Paragraph to Page 15, 2nd Paragraph, with regard to Claims 6-7 and 16-17, Applicant asserts that "Sharma and Murakami, taken separately or together, do not disclose or anticipate step (e) of claim 1 and 10...". Applicant's argument(s) are fully considered, however found to be not persuasive for at least the *identical* reasons set forth above. Thus, for at least the reasons set forth above, the rejection made under 35 U.S.C. §103(a) over Sharma et al. and Murakami with regard to claims 6-7 and 16-17 is maintained.

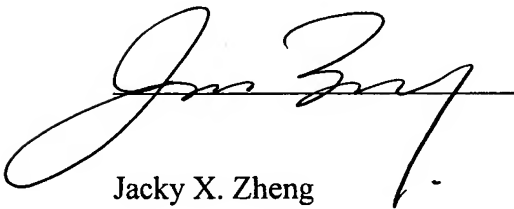
5. In re Applicant's remarks from Page 15, 3rd Paragraph to 4th Paragraph, with regard to Claims 8 and 18, Applicant asserts that "Sharma and Rhoads, taken separately or together, do not disclose or anticipate step (e) of claim 1 and 10...". Applicant's argument(s) are fully considered, however found to be not persuasive for at least the *identical* reasons set forth above. Thus, for at least the reasons set forth above, the rejection made under 35 U.S.C. §103(a) over Sharma et al. and Rhoads et al. with regard to claims 8 and 18 is maintained.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacky X. Zheng whose telephone number is (571) 270-1122. The examiner can *normally* be reached on Monday-Friday, 8:30 a.m. - 5 p.m., Alt. Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

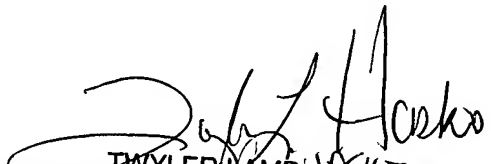


Jacky X. Zheng

Patent Examiner

Art Unit: 2625

January 30, 2008


TWYLER LAMB
SUPERVISORY PATENT EXAMINER